

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GILMORE BANTON,

Plaintiff,

v.

C.O. SCHUCK, et al.,

Defendant.

ORDER
07-CV-427A

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 21, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that plaintiff's complaint be dismissed with prejudice.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, plaintiff's complaint is dismissed with prejudice.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 12, 2010